

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01670-BNB

DARREN NICODEMUS,

Plaintiff,

v.

LAYLA, Night Manager,

Defendant.

---

ORDER OF DISMISSAL

---

Plaintiff, Darren Nicodemus, submitted *pro se* a Complaint (ECF No. 1) for money damages that was missing page one and failed to assert a basis for this Court's jurisdiction. He also submitted an unnotarized Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2). Mr. Nicodemus alleged that he was homeless, but provided a mailing address of 15625 E. Iliff Ave., Aurora, CO 80013.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1, the Court determined that the documents were deficient. On June 16, 2014, Magistrate Judge Boyd N. Boland entered an order (ECF No. 4) directing Plaintiff within thirty days to cure certain designated deficiencies and file an amended Complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and the legibility requirements of Local Rule 10.1 of the Local Rules of Practice – Civil for this Court if he wished to pursue his claims.

The June 16 order warned him that if he failed to cure the designated deficiencies and file an amended Complaint within thirty days, the action may be dismissed without prejudice and without further notice. On July 2, 2014, the copy of the

June 16 order mailed to Plaintiff was returned to the Court as undeliverable.

Mr. Nicodemus has failed within the time allowed to cure the designated deficiencies, file an amended Complaint as directed, file a notice of change of address, or otherwise communicate with the Court in any way. Therefore, the Complaint and the action will be dismissed without prejudice for Plaintiff's failure to cure the designated deficiencies and file an amended Complaint as directed within the time allowed, and for his failure to prosecute.

Finally, the Court certifies pursuant to § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status will be denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Mr. Nicodemus files a notice of appeal he also must pay the full \$505.00 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Accordingly, it is

ORDERED that the Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rules 8 and 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Darren Nicodemus, to cure the deficiencies designated in the order to cure of June 16, 2014 (ECF No. 4), and file an amended Complaint as directed within the time allowed, and for his failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. It is

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 21<sup>st</sup> day of July, 2014.

BY THE COURT:

s/Christine M. Arguello  
CHRISTINA M. ARGUELLO  
United States District Judge, for  
LEWIS T. BABCOCK  
Senior Judge, United States District Court